

AO 245B (Rev. 9/00) Judgment in a Criminal Case  
Sheet 1

FILED

MAR 11 2011

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *[Signature]*  
DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA  
v.

CARLOS CESAR MENDOZA (2)

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 10CR4702-DMS

Antonio F Yoon CJA

Defendant's Attorney

REGISTRATION NO. 00371298

THE DEFENDANT:

 pleaded guilty to count(s) 1, 2 and 3 of the Information was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

Title & Section	Nature of Offense	Count Number(s)
8 USC 1324(a)(1)(A)(ii) and (v)(II)	TRANSPORTATION OF ILLEGAL ALIEN AND AIDING AND ABETTING	1
8 USC 1324(a)(1)(A)(iii) and (v)(II)	HARBORING ILLEGAL ALIEN AND AIDING AND ABETTING	2
18 USC 922(g)(1)	FELON IN POSSESSION OF A FIREARM	3

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

 The defendant has been found not guilty on count(s) \_\_\_\_\_ Count(s) \_\_\_\_\_is  are  dismissed on the motion of the United States. Assessment: \$300.00 (\$100 as to each of Counts 1, 2 and 3). Fine waived. Forfeiture pursuant to order filed February 28, 2011, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

MARCH 10, 2011

Date of Imposition of Sentence

HON. DANA M. SABRAW

UNITED STATES DISTRICT JUDGE

**DEFENDANT: CARLOS CESAR MENDOZA (2)**  
**CASE NUMBER: 10CR4702-DMS**

### **IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of THIRTY (30) MONTHS as to each of Counts 1, 2 and 3 concurrently.

- Sentence imposed pursuant to Title 8 USC Section 1326(b).
- The court makes the following recommendations to the Bureau of Prisons:

- The defendant is remanded to the custody of the United States Marshal.

- The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.     p.m.    on \_\_\_\_\_  
 as notified by the United States Marshal.

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

\_\_\_\_\_  
 as notified by the United States Marshal.  
 as notified by the Probation or Pretrial Services Office.

### **RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
 at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
 UNITED STATES MARSHAL

By \_\_\_\_\_  
 DEPUTY UNITED STATES MARSHAL

DEFENDANT: CARLOS CESAR MENDOZA (2)  
CASE NUMBER: 10CR4702-DMS

+

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of:  
**TWO (2) YEARS** as to each of Counts 1, 2 and 3 concurrently.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

*For offenses committed on or after September 13, 1994:*

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- The defendant shall cooperate in the collection of a DNA sample from the defendant, pursuant to section 3 of the DNA Analysis Backing Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: CARLOS CESAR MENDOZA (2)  
CASE NUMBER: 10CR4702-DMS

## **SPECIAL CONDITIONS OF SUPERVISION**

1

2

3

4

5

6

7

8

UNITED STATES DISTRICT COURT

9

SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) Case No. 10cr4702-DMS  
11 Plaintiff, )  
12 v. ) PRELIMINARY ORDER  
13 CARLOS CESAR MENDOZA (2), ) OF CRIMINAL FORFEITURE  
14 Defendant. )  
15 \_\_\_\_\_)

16 WHEREAS, in the Information in the above-captioned case, the United States sought  
17 forfeiture of all right, title and interest in specific properties of the above-named Defendant  
18 pursuant to 18 U.S.C. §982(a)(6), 924(d), and 28 U.S.C. §2461(c), as properties involved in the  
19 commission of Title 18, United States Code, Sections 922(g)(1) as charged in the Information; and

20 WHEREAS, on or about December 8, 2010, Defendant CARLOS CESAR MENDOZA (2)  
21 ("Defendant") plead guilty to a three-count Information before Magistrate  
22 Judge Peter C. Lewis; and

23 WHEREAS, on or about December 22, 2010, the plea of the above-named Defendant was  
24 accepted by the U.S. District Court, and which plea included consent to the criminal forfeiture  
25 allegation pursuant to Titles 18 and 28, as set forth in the Information; and

26 WHEREAS, by virtue of the facts set forth in the plea agreement, the United States has  
27 established the requisite nexus between the forfeited properties and the offense; and

28 //

1           WHEREAS, by virtue of said guilty plea, the United States is now entitled to possession  
2 of said properties, pursuant to 18 U.S.C. §982(a)(6), 924(d), and 28 U.S.C. §2461(c),  
3 and Rule 32.2(b) of the Federal Rules of Criminal Procedure; and

4           WHEREAS, pursuant to Rule 32.2(b), the United States having requested the authority to  
5 take custody of the following properties which were found forfeitable by the Court, namely:

6           One Remington, Model 552 Speedmaster .22 Caliber rifle, Serial  
7 #1746133, and all the ammunition including an ammunition box containing  
5 rounds of .22 caliber ammunition, and a magazine containing 29 rounds  
of .223 caliber ammunition; and

9           WHEREAS, on or about February 10, 2011, the \$4,506.00 in U.S. currency to which the  
10 Defendant pled was administratively forfeited in the Southern District of California by the  
11 Drug Enforcement Administration (DEA); and

12           WHEREAS, the United States, having submitted the Order herein to the Defendant through  
13 his attorney of record, to review, and no objections having been received;

14           Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

15           1. Based upon the guilty plea of the Defendant, the United States is hereby authorized  
16 to take custody and control of the following assets, and all right, title and interest of the  
17 Defendant in the following properties are hereby forfeited to the United States for disposition in  
18 accordance with the law, subject to the provisions of 21 U.S.C. § 853(n):

19           One Remington, Model 552 Speedmaster .22 Caliber rifle, Serial  
20 #1746133, and all the ammunition including an ammunition box containing  
5 rounds of .22 caliber ammunition, and a magazine containing 29 rounds  
of .223 caliber ammunition;

22           2. The aforementioned forfeited assets are to be held by the Bureau of Alcohol,  
23 Tobacco, Firearms, and Explosives (ATFE) in its secure custody and control.

24           3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized to begin  
25 proceedings consistent with any statutory requirements pertaining to ancillary hearings and rights  
26 of third parties.

27           4. Pursuant to the Attorney General's authority under Section 853(n)(1) of Title 21,  
28 United States Code, Rule 32.2(b)(3), Fed. R. Crim. P., and Rule G(4) of the Supplemental Rules

1 for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States forthwith shall  
2 publish for thirty (30) consecutive days on the Government's forfeiture website,  
3 [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, notice of ATFE's intent to dispose of the properties in  
4 such manner as the Attorney General may direct, and notice that any person, other than the  
5 Defendant, having or claiming a legal interest in the above-listed forfeited properties must file a  
6 petition with the Court within thirty (30) days of the final publication of notice or of receipt of  
7 actual notice, whichever is earlier.

8 5. This notice shall state that the petition shall be for a hearing to adjudicate the  
9 validity of the petitioner's alleged interest in the properties, shall be signed by the petitioner under  
10 penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest  
11 in the forfeited properties and any additional facts supporting the petitioner's claim and the  
12 relief sought.

13 6. The United States may also, to the extent practicable, provide direct written notice  
14 to any person known to have alleged an interest in the properties that are the subject of the  
15 Preliminary Order of Criminal Forfeiture.

16 7. Upon adjudication of all third-party interests, this Court will enter an  
17 Amended Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will  
18 be addressed.

19

20 DATED: February 28, 2011

21

  
22 HON. DANA M. SABRAW  
United States District Judge

23

24

25

26

27

28